



Birch, Stewart, Kolasch & Birch, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747

In re Application of	:	
Asano et al.	:	
Application No. 09/856,716	:	
PCT No.: PCT/JP99/06615	:	
Int. Filing Date: 26 November 1999	:	DECISION
Priority Date: 27 November 1998	:	
Atty. Docket No.: 0230-01601	:	
For: LAK-Activity-Screening Materials	:	
Containing Lentinus Extract Of	:	
Edodes Mycelium And LAK...	:	

This is in response to "Renewed Petition Under 37 C.F.R. § 1.47(a)" filed on 26 July 2004.

### **DISCUSSION**

On 25 May 2004, a decision on the petition filed on 05 December 2003 was mailed to counsel, dismissing the petition because it failed to establish either that non-signing joint inventor Tajima refused to sign the declaration, or could not be found or reached after diligent effort. The renewed petition is accompanied by new evidence, including an "Affidavit" signed by Hiroki Ejiri. This affidavit describes the circumstances under which a declaration and a copy of the application were sent to Yutaka Tajima, and that Yutaka Tajima orally refused to sign the declaration in a telephone call on 12 July 2004. Based on the totality of evidence now of record, it would now be appropriate to grant relief under 37 CFR 1.47(a).

### **CONCLUSION**

The petition is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given an international filing date of 26 November 1999 under 35 U.S.C. 363. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **28 January 2002**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



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17 SEP 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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Yutaka Tajima  
10-511, Yaemizo 3-chome  
Saga-shi, Saga 849-0935  
JAPAN

In re Application of  
Asano et al.  
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For: LAK-Activity-Screening Materials  
Containing Lentinus Extract Of Edodes  
Mycelium And LAK Activity...

Dear Mr. Tajima:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6721 or (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

A handwritten signature in cursive script, appearing to read "Leonard Smith".

Leonard Smith  
PCT Legal Examiner  
PCT Legal Office

A handwritten signature in cursive script, appearing to read "George M. Dombroske".

George M. Dombroske  
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## OFFICIAL GAZETTE NOTICE

### 37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Yutaka Tajima) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/JP99/06615 and was filed on November 26, 1999 in the names of Kenji Asano, Yukiko Matsuda, and Yutaka Tajima for the invention entitled LAK ACTIVITY-SCREENING MATERIALS CONTAINING LENTINUS EXTRACT OF EDODES MYCELIUM AND LAK ACTIVITY-SCREENING METHODS. The national stage application number is 09/856,716 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of January 28, 2002.



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Yutaka Tajima  
10-511, Yaemizo 3-chome  
Saga-shi, Saga 849-0935  
JAPAN

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*filed Sept 30, 2004*

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